

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

OTTO ROUSSEAU,

Plaintiff,

v.

CIV-08-0383 JB/LAM

CARL CLELAND, PPD, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTIONS FOR LEAVE TO SUPPLEMENT
HIS RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

THIS MATTER is before the Court on Plaintiff's *Petition for Leave to File Replies in Support of Dispositive Motions* (Doc. 42) and *Motion in Support of Dispositive Motions* (Doc. 43), both filed on April 24, 2009. The Court has reviewed these documents, which it construes as motions for leave to supplement Plaintiff's response to *Defendants' Motion for Summary Judgment* (Doc. 36), the record of this case and relevant law and **FINDS** that the motions are not well-taken and should be **DENIED**.

Plaintiff's response to *Defendants' Motion for Summary Judgment* (Doc. 36) was initially due on March 2, 2009. In its *Order Granting in Part and Denying in Part Plaintiff's Motion to Extend Deadline on Plaintiff to File Response to Defendants['] Summary Judgement* (Doc. 37) (Doc. 38), filed on March 4, 2009, the Court extended this deadline to March 17, 2009. Plaintiff requested a second extension of this deadline which the Court denied in its *Order Denying Plaintiff's Motion for an Extension of Time to Respond to Defendant[s'] Di[s]positive Motion* (Doc. 39) (Doc. 40), filed on March 9, 2009. On March 16, 2009, Plaintiff filed his sixty-seven page *Response to the Defendants['] Motion for Summary Judgment and All Dispositive Motions*

(Doc. 41). Defendants' reply in support of *Defendants' Motion for Summary Judgment* (Doc. 36) was due on March 23, 2009, and no reply was filed. Thus, *Defendants' Motion for Summary Judgment* (Doc. 36) is now fully briefed and ready for ruling

In his motions before the Court, Plaintiff appears to ask the Court for leave to supplement his response to *Defendants' Motion for Summary Judgment* (Doc. 36). Additionally, his *Motion in Support of Dispositive Motions* (Doc. 43) appears to contain material which Plaintiff wishes to submit in response to Defendants' motion. The Court has determined that it will deny both of Plaintiff's motions. This case has been pending since April 11, 2008. With the extension of time already granted to Plaintiff by the Court, he was allowed over five weeks of time to prepare his response to Defendants' motion, instead of the usual fourteen days provided in D.N.M.LR-Civ. 7.4(a). Moreover, neither of Plaintiff's motions, filed more than one month after his response was due, demonstrate any compelling reason for granting a further extension of the deadline for his response or allowing him to submit the additional materials that he proposes to submit in response to Defendants' motion. Accordingly, Plaintiff's motions will be **DENIED**.

IT IS THEREFORE ORDERED that Plaintiff's *Petition for Leave to File Replies in Support of Dispositive Motions* (Doc. 42) and *Motion in Support of Dispositive Motions* (Doc. 43) are **DENIED**.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE